

Officer History

Officer Name: Velotti, Nicholas

Tax ID: 949767

Sex: M

Shield: 09432

Race: White

Rank: POM

Command: 101

DOB: [REDACTED]

Appt Date: 07/06/2010

Age: [REDACTED]

Tenure: 10

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
201701535	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	02/24/2017	02/24/2017	OMN - Failure to prepare a memo book entry	Other Misconduct			101
201907191	08/13/2019	03/23/2019	Force - Gun Pointed	Unsubstantiated			101
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
Total Charges = 9				Total Cases = 4			

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Gabriella Carpenter	Team: Squad #13	CCRB Case #: 201701535	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Fri, 02/24/2017 2:59 PM	Location of Incident: [REDACTED]	Precinct: 101	18 Mo. SOL 08/24/2018	EO SOL 8/24/2018	
Date/Time CV Reported Fri, 02/24/2017 5:48 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 02/24/2017 5:48 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Victim	[REDACTED] Arverne NY 11692

Subject Officer(s)	Shield	TaxID	Command
1. POM [REDACTED]	[REDACTED]	[REDACTED]	101 PCT
2. POM Nicholas Velotti	09432	949767	101 PCT
3. POM [REDACTED]	[REDACTED]	[REDACTED]	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM [REDACTED]	Abuse of Authority: PO [REDACTED] stopped the vehicle in which [REDACTED] was an occupant.	A . Exonerated
B . POM Nicholas Velotti	Abuse of Authority: PO Nicholas Velotti stopped the vehicle in which [REDACTED] was an occupant.	B . Exonerated
C . POM [REDACTED]	Abuse of Authority: PO [REDACTED] stopped the vehicle in which [REDACTED] was an occupant.	C . Exonerated
D . POM [REDACTED]	Other: PO [REDACTED] failed to prepare a memo book entry as required.	D . Other Misconduct
E . POM Nicholas Velotti	Other: PO Nicholas Velotti failed to prepare a memo book entry as required.	E . Other Misconduct
F . POM [REDACTED]	Other: PO [REDACTED] failed to prepare a memo book entry as required.	F . Other Misconduct

Case Summary

██████████ filed a complaint with the CCRB via the Call Processing System on February 24, 2017.

On February 24, 2017, at approximately 2:59 p.m., Mr. ██████████ was pulled over by Police Officer ██████████, Police Officer Nicholas Velotti, and Police Officer ██████████ of the 101st Precinct on Edgemere Avenue near ██████████ Street in Queens for running a red light (**allegations A through C**). Mr. ██████████ argued with the officers about whether he had run the light, and then the officers let Mr. ██████████ go without a summons after running his license. Mr. ██████████ saw PO ██████████ at his apartment complex about ten minutes before he was stopped, and he thought that the officers had followed him from his apartment; the officers failed to prepare a memo book entry about responding to a call at Mr. ██████████ apartment complex, located at 5707 Shorefront Parkway in Queens (**allegations D through F**).

Mr. ██████████ recorded his entire interaction with the officers on his cell phone (BR 01 and BR 02).



201701535 Video.mp4

Mediation, Civil and Criminal Histories

- Mr. ██████████ was offered mediation but refused because he wanted the officers to be disciplined.
- This report was submitted pending a FOIL request sent on April 4, 2017 with the comptroller's office for any notice of claim filed in regard to this incident.
- In the past ten years, Mr. ██████████ has pled guilty to disorderly conduct once.

Civilian and Officer CCRB Histories

- Mr. ██████████ has filed six previous complaints with the CCRB with 39 total allegations. In CCRB 201304499, the Board substantiated and recommended charges for a vehicle search and a frisk. In CCRB 201507834, the Board substantiated a vehicle search and recommended command discipline B. The following allegations represent a pattern applicable in this case:
 - Mr. ██████████ has made eight vehicle stop allegations in five cases: In CCRB 201304499, three vehicle stop allegations were unsubstantiated. In CCRB 201411639, one vehicle stop allegation was closed as officer unidentified. In CCRB 201507712, one vehicle stop allegation was unsubstantiated. In CCRB 201507834, two vehicle stop allegations were unsubstantiated. In CCRB 201608484, one vehicle stop allegation was exonerated.
- PO ██████████ has been a member of the service for five years and has had two CCRB allegations pled against him in one case.
- PO Nicholas Velotti has been a member of the service for six years and has had one other CCRB allegation pled against him in an open case.
- PO ██████████ has been a member of the service for four years and has not had any other CCRB allegations pled against him.

Findings and Recommendations

Allegations not pleaded:

- An allegation of discourtesy (action) was not pled against PO [REDACTED] for recording Mr. [REDACTED]. Mr. [REDACTED] did not allege that an officer took a photo or video of him, but in the video Mr. [REDACTED] provided, PO [REDACTED] is seen holding his cell phone close to Mr. [REDACTED] window, pointing it toward Mr. [REDACTED] and looking from his phone to Mr. [REDACTED] face, seemingly taking a photo. PO [REDACTED] testified that he was going to record Mr. [REDACTED] but he did not open the program on his cell phone quickly enough. Sgt. Wong of the 101st Precinct wrote on a request for a search for any recording of a civilian on PO [REDACTED] department phone from the incident date that the phone was reviewed with negative results (BR 03).

Allegation A: Abuse of Authority: PO [REDACTED] [REDACTED] stopped the vehicle in which [REDACTED] was an occupant.

Allegation B: Abuse of Authority: PO Nicholas Velotti stopped the vehicle in which [REDACTED] was an occupant.

Allegation C: Abuse of Authority: PO [REDACTED] [REDACTED] stopped the vehicle in which [REDACTED] was an occupant.

Mr. [REDACTED] testified that he was driving approximately the speed limit on Edgemere Avenue in Queens, 25 miles per hour, and he was not aware of committing any traffic infractions (BR 04 and BR 05). The officers pulled up behind him in a black Impala driving approximately 90 miles per hour and pulled Mr. [REDACTED] over. PO [REDACTED] identified by his description and the video Mr. [REDACTED] provided, told Mr. [REDACTED] that he had run a red light at Beach 44th Street. The light was [REDACTED] when Mr. [REDACTED] drove through the intersection. Mr. [REDACTED] noticed that PO [REDACTED] identified by his description and the video Mr. [REDACTED] provided, had been in the parking lot of Mr. [REDACTED] apartment complex about ten minutes earlier when Mr. [REDACTED] was leaving. Mr. [REDACTED] asked the officers why they were profiling and harassing him and they did not respond. He asked if he was being detained or if he was free to go and PO [REDACTED] said that he was not being detained and returned Mr. [REDACTED] ID. Mr. [REDACTED] left without receiving a summons.

PO [REDACTED] testified that the officers drove behind Mr. [REDACTED] on Edgemere Avenue for a couple blocks before PO [REDACTED] observed him drive through a steady red light at Beach 44th Street (BR 06). PO [REDACTED] could not recall how fast Mr. [REDACTED] was driving before he ran the red light or when he passed through the intersection, the speed limit on the road, or whether there were any cars in front of Mr. [REDACTED]. He could not recall whether the other officers also saw Mr. [REDACTED] run the red light or whether he alone made the decision to stop Mr. [REDACTED].

PO Velotti testified that Mr. [REDACTED] drove through a steady red light at Beach 43rd Street or Beach 44th Street, but he could not recall Mr. [REDACTED] speed or whether there were any cars in front of him (BR 07). PO Velotti testified that all of the officers said that they had seen Mr. [REDACTED] run the red light and all three decided to pull him over.

PO [REDACTED] testified that the officers drove behind Mr. [REDACTED] for about 100 feet and PO [REDACTED] saw him drive through a steady red light at approximately the speed limit, 25 miles per hour (BR 08). PO [REDACTED] could not recall any other cars being in front of Mr. [REDACTED]. PO [REDACTED] testified that the officers all said that they saw Mr. [REDACTED] run the red light but PO [REDACTED] who was driving, made the decision to stop him.

In the video Mr. [REDACTED] provided, both PO [REDACTED] and PO [REDACTED] can be heard telling Mr. [REDACTED] that he ran a red light.

PO [REDACTED], PO [REDACTED], and PO Velotti's memo books each state that Mr. [REDACTED] ran a red light (BR 09, BR 10, and BR 11).

Drivers must stop at the stop line or before the crosswalk at a steady red light. NY Vehicle and Traffic Law, Article 24, 1111a (BR 12).

As all of the officers testified to seeing Mr. [REDACTED] drive through a steady red light and the officers consistently stated that Mr. [REDACTED] ran a red light in the video Mr. [REDACTED] provided and in their memo books, it is recommended that **allegations A through C be closed as exonerated.**

Allegation D: Other Misconduct: PO [REDACTED] failed to prepare a memo book entry as required.

Allegation E: Other Misconduct: PO Nicholas Velotti failed to prepare a memo book entry as required.

Allegation F: Other Misconduct: PO [REDACTED] failed to prepare a memo book entry as required.

Mr. [REDACTED] testified that he saw PO [REDACTED] who was dressed in plainclothes, in the parking lot of his apartment complex with a group of officers about ten minutes before he was stopped. Mr. [REDACTED] thought that the officers had followed him from his apartment complex and stopped him to harass him.

PO [REDACTED] testified that the officers had been driving for three hours without stopping before they pulled Mr. [REDACTED] over.

PO Velotti testified that he could not recall the last place that the officers had stopped before pulling Mr. [REDACTED] over but the officers had not been at Mr. [REDACTED] apartment complex, which PO Velotti is familiar with, that day. PO Velotti stated that he had not interacted with Mr. [REDACTED] in the past but he had heard Mr. [REDACTED] name because he is a recidivist in the precinct. After the stop, the officers talked about how they had stopped "[REDACTED] [REDACTED]" because they all knew of him before the stop.

PO [REDACTED] testified that the officers responded to a radio run at Mr. [REDACTED] apartment complex about half an hour before they stopped him, but PO [REDACTED] did not see Mr. [REDACTED] there. The officers pulled into the parking lot of the complex, stepped out of the car, checked if other officers needed them, then left ten to twenty minutes before stopping Mr. [REDACTED]

Officers are required to record the assignments they receive, including the time, type of assignment, location, action taken, and the disposition, in their memo books. Patrol Guide Procedure 212-08 (BR 13).

As Mr. [REDACTED] believed the officers followed him from his apartment complex to harass him, their whereabouts before the stop are of relevance to this complaint. Furthermore, PO Velotti's statement that all of the officers knew of Mr. [REDACTED] before the stop and talked about stopping "[REDACTED] [REDACTED]" afterward lends credence to Mr. [REDACTED] assertion that the officers had followed him from his apartment complex. As PO [REDACTED] testified that the officers had in fact been in the parking lot of Mr. [REDACTED] apartment complex ten to twenty minutes before the stop to respond to an unrelated radio run – something that none of the officers recorded in their memo books as they are required to do per the Patrol Guide – it is recommended that **allegations D through F be closed as other misconduct.**

Squad:

Investigator:	_____	_____	_____
	Signature	Print	Date

Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date